

Notice of Allowability

Application No.

09/931,034

Examiner

Lisa Hashem

Applicant(s)

RUSSELL ET AL.

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6-27-05.
2. ☒ The allowed claim(s) is/are 1-5, 7-18, 21 and 22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. Claims 1-5, 7-18, 21, and 22 are pending in this application.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Ashok Mannava (Reg. No 45,301) on September 12, 2005.
4. The application has been amended as follows:

Claim 1, line 3 recites:

"at least one port"

was changed to

--a plurality of ports--

5. The application has been amended as follows:

Claim 1, line 5 recites:

"the at least one port"

was changed to

--one of the plurality of ports--

6. The application has been amended as follows:

Claim 1, line 16 recites:

"the at least one port includes two ports, and"

was deleted.

Art Unit: 2645

7. The application has been amended as follows:

Claim 1, line 17 recites:

“two ports”

was changed to

--plurality of ports--

8. The application has been amended as follows:

Claim 3, lines 1-2 recite:

“wherein the mounting device includes two ports, and the system further comprises”

was changed to

--further comprising—

9. The application has been amended as follows:

Claim 7, lines 1-2 recite:

“wherein the mounting device includes two ports, and the system further comprises”

was changed to

--further comprising—

10. The application has been amended as follows:

Claim 18, lines 9-11 recite:

“wherein the housing is positioned about a front portion of the helmet”

was changed to

**--wherein the one or more speakers are positioned near a user's ears without the one or
more speakers covering the user's ears—**

Art Unit: 2645

11. The application has been amended as follows:

Claim 20 (lines 1-3) is cancelled.

Allowable Subject Matter

12. The following is an examiner's statement of reasons for allowance: upon close review of the claims, the prior art, and applicant's remarks it appears that the allowance of claims 1-5, 7-18, 21, and 22 are appropriate.

Referring to the claimed invention, U.S. Patent No. 5,823,557 by Penza discloses a portable entertainment system for use with a bicycle (Fig. 1, 12), comprising: a mounting device or platform having at least one port or jack, the mounting device adapted to connect to the bicycle (see Abstract); a portable computing device or portable music player positionable in the at least one port, the portable computing device plays a digitized audio file (col. 3, lines 44-60; col. 3, line 65 – col. 4, line 2).

U.S. Patent No. 6,157,298 by Garfinkel discloses a portable entertainment system for use with a bicycle and a helmet (Fig. 1, 10) (see Abstract), comprising: a wireless transmitter or remote transmitter, the wireless transmitter inherently transmitting a digitized audio signal (col. 2, lines 51-55; col. 5, lines 14-24); a wireless receiver or antenna (Fig. 1, 21) positioned on the helmet, the wireless receiver receiving the digitized audio signal from the wireless transmitter (col. 2, lines 51-55; col. 5, lines 14-24); processor or electrical connections (circuitry located in the electronics module in Fig. 1, 11) inherently coupled with the wireless receiver, the processor converting the digitized audio signal to an analog audio signal (col. 2, lines 13-17; col. 5, lines 14-24); and one or more speaker ear cones or earphone assembly (the earphone assembly produces sound so the wearer can hear) (Fig. 1, 24) positioned on the helmet, the one or more

Art Unit: 2645

speaker ear cones inherently connected with the processor (wherein the transceiver housed in the electronics module (Fig. 1, 11) is electrically connected to the communications module (Fig. 1, 22) that includes the earphone assembly (Fig. 1, 24); col. 4, line 63 – col. 5, line 21) for creating an audible audio signal from the analog audio signal (col. 5, lines 17-28).

U.S. Patent No. 6,725,020 by Yagi a motorcycle helmet with incorporated communication system that is in communication with a control panel located on a motorcycle, wherein the control panel includes a radio with a mini-disk player, a cellular telephone, and a navigation system

None of the prior art disclose a portable entertainment system for use with a bicycle and a helmet, wherein the system further comprises a cellular phone positionable in one of the plurality of ports, the cellular phone providing a phone audio signal to the mounting device, as shown in Figure 8 and as claimed in Claim 1, and the one or more speaker cones do not cover a user's ears as claimed in Claims 12, 16, 18, 21, and 22.

13. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

14. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Art Unit: 2645

Or call:

(571) 272-2600 (for customer service assistance)

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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September 12, 2005


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600